

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	09/849,938	FOUQUET, CHRISTOPHE	
	Examiner Scott L. Jarrett	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 12/4/2006.
2.  The allowed claim(s) is/are 1-3, 6-24, 26-34, 36-40 and 42-50.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_

  
TARIQ R. RAFIZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2000  
U.S. Patent and Trademark Office

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Richard Moose (Reg. No. 31,226) on December 21, 2006.

#### Amendments to the Claims:

1. A method for modeling the performance of a facility, in relation to resource utilization of such facility, comprising the steps of:

creating an attributes catalog wherein said attributes catalog comprises selected of user-defined attributes and system-defined attributes;

reclassifying, by a system level process not accessible to a user, a user-defined attribute as a system-defined attribute whenever a predetermined percentage of users have added such user-defined attribute to the attributes catalog;

assigning attributes to a template selected of user-defined or system-defined templates;

assigning a predefined template to a facility to be modeled, said predefined template including default facility attribute data;

obtaining resource utilization data for such facility;

wherein selected of said facility attribute data and said resource utilization data is defined relative to instances, said instances established by points in time when such data is either created or updated, whereby defining said data relative to instances establishes how such data changes over time;

normalizing such resource utilization data for selected of said instances based on said predefined template; and

~~providing the normalized resource utilization data in the form of a report; and~~  
~~creating an attributes catalog wherein said attributes catalog comprises selected of user-defined and system-defined attributes; and~~

~~further including a system level process, not accessible to a user, which reclassifies a user-defined attribute as a system-defined attribute whenever a predetermined percentage of users have added such user-defined attribute to the attributes catalog.~~

providing the normalized resource utilization data in the form of a report.

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16. A method for creating dynamic facility models, in relation to resource utilization of such facilities, and comparing resource utilization efficiency of such facilities, comprising the steps of:

creating an attributes catalog wherein said attributes catalog comprises selected of user-defined attributes and system-defined attributes;

reclassifying, by a system level process not accessible to a user, a user-defined attribute as a system-defined attribute whenever a predetermined percentage of users have added such user-defined attribute to the attributes catalog;

assigning attributes to a template selected of user-defined or system-defined templates;

assigning selected of said templates to a facility to be modeled;

obtaining resource utilization data for such facility;

normalizing such resource utilization data based on said predefined template, said normalizing step performed for different points in time when selected of said user-defined attributes and system-defined attributes are created or changed;

comparing selected of said resource utilization data so as to benchmark each facility based on said comparing; and

~~comparing resource utilization efficiency of such facilities; and further including a system level process, not accessible to a user, which reclassifies a user-defined attribute as a system-defined attribute whenever a predetermined percentage of users have added such user-defined attribute to the attributes catalog.~~

providing the normalized resource utilization data in the form of a report.

29. A method for creating dynamic facility models, in relation to resource utilization of such facilities, comparing resource utilization efficiency of such facilities, and generating reports in a user defined format, comprising the steps of:

creating an attributes catalog wherein said attributes catalog comprises selected of user-defined attributes and system-defined attributes;

reclassifying, by a system level process not accessible to a user, a user-defined attribute as a system-defined attribute whenever a predetermined percentage of users have added such user-defined attribute to the attributes catalog;

using a template editor to assign attributes to a template selected of user-defined or system-defined templates;

using a facility editor to define instances where selected of said user-defined attributes and system-defined attributes are created or updated and to assign selected of said templates to a facility to be modeled;

obtaining resource utilization data for such facility;

wherein selected of said facility attribute data and said resource utilization data is defined relative to instances, said instances established by points in time when such data is either created or updated, whereby defining said data relative to instances establishes how such data changes over time;

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normalizing such resource utilization data for selected of said instances based on said predefined template;

comparing selected of said resource utilization data so as to benchmark each facility based on said comparing;

generating one of historical and real-time reports, the data contained in such reports selected from facility modeling data, facility resource utilization data, and facility benchmarking data; and

~~further including a system level process, not accessible to a user, which reclassifies a user-defined attribute as a system-defined attribute whenever a predetermined percentage of users have added such user-defined attribute to the attributes catalog.~~

38. Apparatus for creating dynamic facility models, in relation to resource utilization of such facilities, comprising:

means for creating an attributes catalog wherein said attributes catalog comprises selected of user-defined attributes and system-defined attributes;

a template editor for assigning attributes to a template selected of user-defined or system-defined templates;

means for reclassifying a user-defined attribute as a system-defined attribute whenever a predetermined percentage of users have added such user-defined attribute to said attributes catalog wherein such reclassifying means is not accessible to a user;

a facility editor for assigning a predefined template to a facility to be modeled, said predefined template including default facility attribute data defined for selected instances that are established by points in time when selected of said attribute data is created or changed;

data retrieval means for obtaining resource utilization data for such facility;

data normalization means for normalizing said resource utilization data based on said predefined template;

means for comparing selected of the normalized resource utilization data so as to benchmark each facility based on said comparing; and

~~means for reclassifying a user-defined attribute as a system-defined attribute whenever a predetermined percentage of users have added such user-defined attribute to said attributes catalog.~~

providing the normalized resource utilization data in the form of a report.

## **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance.

The present invention is directed to a system and method for modeling and benchmarking the resource consumption of one or more facilities for the purpose of identifying opportunities for the facility to improve its resource utilization (e.g. energy consumption) comprising users creating resource utilization models of a facility through the assignment of a predefined and pre-populated facility resource utilization template to the facility, collecting resource utilization attribute data associated with the attributes of the facility resource utilization model wherein the data is defined relative instances in time, normalizing the facility resource utilization attribute data for selected instances in time based on the predefined template and providing a report containing the normalized resource utilization data.

The closest prior art Solomon Associates (comparative performance analysis), Building Design Advisor, Zaloom, U.S. Patent No. 6,366,889, Crooks et al., U.S. Patent No. 6,088,688. fail to teach or suggest either singularly or in combination:

- normalizing facility resource utilization attribute data for selected instances in time based on a predefined and pre-populated facility resource utilization template wherein instances in time are established when the data is either created or updated; and

- automatically re-classifying a user-defined facility resource utilization attribute, in an attributes catalog, via a system-level process inaccessible to users of the system, as a system-defined attribute whenever a predetermined percentage of users have added the same user-defined attribute to the attributes catalog as recited in independent claims 1, 16, 29 and 38.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Johnson, U.S. Patent No. 5,78,331, teaches a system and method for monitoring and analyzing facility resource utilization data (energy consumption) and identifying opportunities to reduce a facility's resource utilization.
- Murdock et al., U.S. Patent No. 5,983,010, teach a system and method for modeling a facility and a facility's resource utilization via system-level templates.
- Provost et al., U.S. Patent No. 5,924,05, teach a system and method for measuring and recording a facility's load profile.
- Horn et al., U.S. Patent Publication No. 2001/0053940, teach a system and method for modeling a facility's resource utilization/performance using system-defined performance attributes selected from an attributes catalog, benchmarking one or more facility resource utilization/performance models and recommending/identifying opportunities to improve the facility's resource utilization.
- Bruce, Benchmarking energy consumption and identifying opportunities for conservation (2000), teaches the well known practice of energy benchmarking wherein facility resource utilization models comprising a plurality of industry-standard attributes are populated with monitored resource utilization data and compared to similar facilities in order to identify opportunities to improve the facility's resource utilization.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (571) 272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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12/22/2006

  
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